

Planning Commission Meeting
Regular Meeting, Nolensville Town Hall
June 10, 2004
7:00 P.M.

Member in attendance were as follows: Charles Knapper, Frank Wilson, Rick Fisher, Bob Haines Larry Gardner, James Clark, Rob Pease, and Willis Wells.
Staff present: Richard Woodroof, Dave Ausbrooks.

Agenda Item I – Meeting called to order by Chairman Willis Wells

Agenda Item II – Pledge of Allegiance

Agenda Item III – Approval of minutes

Rick Fisher stated that on page 1 where it reads, He also stated closing the road it will take 200 feet of his road frontage and nothing in return to him. The word it should be lifted out of the sentence.

Charles Knapper stated that on page 1 where it reads, Charles stated we have the traffic engineers looking into it. It should read Charles Knapper stated we have the traffic engineers looking into it.

Rick Fisher stated that on page 1 under AI Applegate, it should read egress not e-grass. He also stated that on page 5 he voted against the motion to pass for the grading permit and Rob Pease voted for it to pass.

Frank Wilson stated on page 5, letter d, second paragraph, days should be added after the word twenty-eight.

Charles Knapper stated that on page 5, letter e, it should read Charles Knapper voted no for the zero present density. The motion was approved eight to one.

Charles Knapper made a motion to approve the amended minutes, seconded by Rick Fisher, pass unanimously.

Agenda IV – Citizen Comments

Charles Lawson- 2531 York Road stated recently it came to my attention that Joe Curtsinger had mentioned to me, where he lives in the estate residential (ER) area, he could have a veterinary office and a whole bunch of others things there, but as the codes read now, he could not have a health center, health clinic, or medical facility there. So that got my mind turning and I've looked these codes over. I would like to recommend to the Planning Commission to add another permitted uses to the estate residential (ER) and to the urban residential (UR).

The statement would read any another uses that may be approved by the Planning Commission.

Thomas Stearns-7331 Nolensville Road stated it is our understanding that there has been discussion before the Planning Commission to consider placing the proposed new road that will connect Clovercroft and Sam Donald to Nolensville Road between my home at 7331 Nolensville Road and Dr. LaRatta's clinic at 7337 Nolensville Road. Dr. LaRatta and I are opposed to this proposal. First and foremost this will destroy the tranquility that we currently enjoy. Secondly, it is abundantly clear that both Dr. LaRatta and I have gone and continue to go to great lengths and expense to maintain these two historic homes. Third, the space constraint between our two homes is such that very little will be gained over the current undersized outlets that Clovercroft and Sam Donald each currently have. Finally, creating another intersection within Historic District among the existing building mean that all the traffic leaving and accessing Rocky Fork will have to make another turn into or out of this new road, thereby, creating a whole new set of traffic problems. We request with all urgency that you remove this option from your consideration.

Beth Lothers – 304 Walpole Court - wanted to clarify the zero density proposal. My understanding that it does not go into effect, unless it's on the June 3, Board of Mayor and Aldermen Agenda. I was just wondering if it is dependent of the Public Workshop discussion on the procedure of something that has happened from the Planning Commission, like when is it presented to The Board of Mayor and Alderman. What was passed that evening, and we have tried to get copies the following month, that leaves three days for people to have questions. I wonder if there is a possibility it has not been voted on. Basically for clarification the public only has what is reported in the newspaper and we just want to make sure that we are accurate in understanding what has passed.

Charles Knapper stated the zero density proposal is possibly up for consideration in the July meeting. However the July meeting falls at a time near the fourth of July and I am not sure we will have enough for a quorum. Items of importance like the zero density need to have full consideration of the full body. There is a real possibility it may not be consider till August. What is reported that we voted on, I frankly don't remember that decision that night as going in that direction. I thought it was a proposal that was out there that we might consider changing that percentage from zero to some other percentage. We did receive a hand out, discussing what other various percentages do to lot sizes. I was not aware we made a decision on zero percentage. The Board of Mayor and Aldermen may change the percentage. The vote that the Planning Commission made is nonbonding; The Board of Mayor and Aldermen will take it into consideration. I sense there's a feeling of urgency that maybe another proposal could slip in at that time. (That is always a possibility.) However, what I hear from the Aldermen and from general discussion, I think this type of proposal will be looked at under a big microscope. I am reassured that we have ample time if we go to August.

Phil Tuck –812 Alec Court- stated he wanted to address the planning committee, with the Metro Sewer and Water, what is our minimum number of trunks that we have allocated to Metro? When I say trunk, I'm talking about business, residents, excreta, excreta. I am wondering is there a number that we have to hit before we can finally slow down. The reason I bring that up is I don't know if anyone saw the article in the Review Appeal, Wednesday paper. It mentioned that the Mayor of Spring Hill said when Carrell bought a proposal to him "This isn't Podunkville. Maybe if Carell (who is the engineer) wants to build something like this, Nolensville would be a good place for it." I don't know how to take that, I don't know if Williamson County sees us as just grabbing every opportunity out there or not. That is my impression of it. Let's enjoy this great community that we have. Let's don't become a number, because the fact is, I know that progress is inevitable in this community but I feel like it could be done under control.

Willis Wells stated that if he read a little bit more, in the Williamson AM, that was a response to a remark that a member of the board had made in reference to Spring Hill. That just shows you; don't throw rocks unless you want them back over your head again.

Charles Knapper stated that is exactly right. Number one, you have to understand Ray Williams. Number two you have to understand that is a touché from Ray Williams because we did make that statement. Let me reassure you that Williamson County recognizes this board and The Board of Mayor and Aldermen as a very strong and formidable force in Williamson County. They do not see us as Podunk Tennessee and they do not see us as being wishy-washy. I spent an hour and a half with Rogers Anderson yesterday. He is solidly behind what we are doing, and us.

Willis Wells stated he would like to yield to the point of order for the Mayor at this time.

Charles Knapper stated he would to yield for a point of order. He would like Dave Ausbrooks to address the Planning Commission Member in some issue that has come up.

Dave Ausbrooks stated to the Planning Commission Members, as member of the planning committee you are appointed, you are not elected. When you are voting, you must understand what the motion is, and any time you think a section of our ordinance is incomplete, inaccurate, does not reflect our community, or any number of things, it is your responsibility to go to The Board of Mayor and Aldermen. For you to understand correctly, they are representative of the city. Basically we request or ask you to look at and be accurate about things. But let me warn you because you are a non-elected official, you must gain permission by the owner, for two reasons. First, if you are on a property without permission, they have the right to call the police and have you arrested. Second, if you go on

a property and step into a hole that you are not aware of. You might want to sue the owner, because the owner did not tell you about the hole.

Please, while talking to the citizen, do not indicate how you would vote. Until the Planning Commission meeting, you have not heard all the information in which to make your opinion. Do not ever suggest how this commission may vote. You may have a citizen accusing you of not following guidelines.

Rob Pease had a conflict of interest the other night and he stepped out. That is exactly the way it should be done. If you sense or know for a fact you have a conflict of interest, you should do the same thing. Make it known that you do and step down when the item is being called. Do not do anything that appears to look like a conflict of interest. If someone ask you to do a favor for him or her or gives you something they may think that the item may get approved.

Charles Knapper stated for the public the Planning Commission has had continuing education and we are required to have continuing education for this board. Our attorney, Bob Notestine, will be speaking to the Planning Commission members on June 15 at the workshop. That counts towards continuing our education. If you go to do your own investigation, please notify the property owner and the town hall that you are doing so. We have had in the last six years the luxury; as project come before us, to micro manage those projects. Sometimes we have made suggestion as he said tonight. We are not here to do somebody's plan. It is very clear in our zoning ordinance what we expect; this is to the developers and anyone else. It is very clear in our zoning ordinance what you are suppose to due and don't waste our time submitting a plan that has three pages of correction that do not fit with the zoning ordinance. It will be deferred because it does not meet the ordinance. Please keep those things in mind. This is a dynamic commission that its whole focus is about to change.

Charles Knapper stated that if he may digress for just a moment, Phil Tuck had a question about the sewer lines and what is the capacity. We only have one trunk line that comes out. It cost 3.5 million dollars to bring that trunk line to Nolensville. It did not cost Nolensville a dime, Metro paid for it. Metro obviously is going to do what it takes to recoup 3.5 million dollars and the only way that they will be able to do that is to extend extensions off of that sewer line. That is a public utility, it is a kingdom to itself, the Town of Nolensville nor Williamson County nor any government entity has any control over. They make that determination. As far as capacity, we have a tremendous amount of capacity, coming from them for sewer. That is a digression and I wanted to answer his question. Please understand our roll, Frank Wilson and myself are the elected officials up here, Alderman Dugger just walked in, the other two people you know. We are the ones that are elected, you are appointed please keep that in mind.

New Business

Agenda V

A.) Moore Grading

Richard Woodroof stated this is the Moore Property that was brought up before us last month. (Lots 32 and 33) This is a grading plan; it is not a site plan. The majority of the property lies within the 100-year flood plain. They are proposing to fill the property to raise it above the 100-year flood plain.

Harold Delk stated that these two lots lie between the Nolensville Utility District and the daycare center. Roger Moore who is the owner of these two lots is here tonight if you have any question for him. He would be glad to answer them. The proposal you see here before you tonight is for the filling of these lots. As we understand the ordinance 5.5.1.k.8 govern those things on how the lots are treated that were recorded prior to the flood study in 1981. There are four conditions that have to be met in the ordinance; one is being no suitable building area on the lot. The second is that there would be a flood study done by an engineer with the experience in hydrology, indicating that there is no increase in flood elevation, no increase in run off volume, and no increase in velocity. Aubrey Fly made that study. He is here tonight and addressed you last month, if you have any questions. We think we meet the terms of the ordinance. We would request your approval.

Richard Woodroof stated that staff recommendation is for approval. The staff feels like it meets the zoning ordinance.

Charles Knapper stated he would like to ask a question. These detention ponds, are they on the front of the lots? Is this going to be cooling water or is going to be outlets? The pipes will not allow water to follow across Johnson Industrial Boulevard.

Harold Deck stated the detention ponds are in the front of lots. They will be outlets. They will be dry, except when they are collecting storm water. The pipes are setup to allow the water to go under the Nolensville Utility driveway.

Larry Gardner stated he would like to address this to Richard Woodroof. If they were allowed to fill to get a build able site, does that mean they get to fill the entire lot for the site?

Richard Woodroof stated, "the way I interpret it, it's a site."

Rob Pease made a motion to pass the grading plans. He stated it meet the entire requirement that is in the zoning ordinance. Frank Wilson seconded the motion. Larry Gardner voted no. James Clark and Rick Fisher abstained. The motion was past five for, one against (Larry Gardner), two abstained (James Clark, Rick Fisher).

Willis Wells stated that the Two Way Carwash would like to be the last on the agenda. Trevan had his son's ball game to attend. Does it meet your approval?

Charles Knapper answered yes.

C.) Proposed changes to Article five of the Zoning Ordinance

Dave Ausbrooks stated a commercial property could be developed under this ordinance change if it were to cut and fill appropriately. The difference between a commercial lot and a residential lot is that a residential lot could possibly only use a mathematical model. It is only the building pad that is brought above the flood plain, not the entire lot. If you had a commercial lot with five acres, they could not use a mathematical model to bring those five acres up. If you wanted to put five houses on each lot one acre at time, you would use a mathematical model just for the building pad. There are a number of ways jurisdictions look at it. It makes it easier to build a residential property and it makes it slightly harder to build a commercial piece of property, unless you have proper cuts and fills. I think Larry Gardner pointed out that part of the reason for this is, if you want to develop the entire property commercial before you know what it going to be built. You don't know what size-building pad so you want to raise the entire property up. If you do proper cuts and fills then you have no way of impacting the flood plain. If you do the mathematical model you may impact the flood plain even if the mathematical model states it is okay.

Willis Wells stated we have received through the mail, the correction that Richard Woodroof has asked for us to pass. You have had an opportunity to look over them. From that, do you have any comments?

Larry Gardner asked are you saying if you want to fill a residential lot, you could build a pad. If you are doing for commercial, you can fill the entire lot.

Dave Ausbrooks answered no. You would have to make the appropriate cuts and fills for commercial.

Charles Knapper made the motion to amend article five of the zoning ordinance to staff's recommendations. Rick Fisher seconded the motion. The motion was passed unanimously. The changes are as followed:

Add section 5.5.1.K.8.4 to state:

Only permitted residential uses are allowed under this provision.

Add section 5.5.1.K.8.5 to state:

Filling may be performed after approval by the Mayor and/or his designee and the issuance of a building permit and/or grading permit, which outlines the conditions of approval. Building construction may begin only after the developer's engineer certifies compliance with the approved plan.

Change the last sentence in section 5.5.1.N

All fill areas shall comply with Section 5.5.1 (o) Floodways, 5.5.1 (P) Floodway Fringe Alterations and 5.5.1 (Q) buffers (Ord, 00-05).

D.) Proposed Water Line Design for Bent Creek

Richard Woodroof stated that what you have in the packet is the proposed water line for Bent Creek. What you see is a twelve inches (12") pipe going up the proposed road to hook into Clovercroft and Sam Donald. Those lines are really bigger than what is needed for this development. Those lines are situated at the head of the district development, so if there is going to be any further development, it will be needed. This is to show you what the Nolensville Utility District is requiring the developer to install.

Charles Knapper stated this was approved by Charles Strasser at the Nolensville Utility District. He felt that it is needed to provide adequate water capacity to the residents south and west of this project. It actually only needed eight inch (8") lines but the developers agreed on a twelve inch (12") lines which will more than serve that area.

Larry Gardner made the motion to accept the water design for Bent Creek. Frank Wilson seconded the motion. The motion was passed unanimously

E.) Cut & Fill on Bent Creek Property

Richard Woodroof stated that what we have before us is the balanced cut and fill on the Bent Creek Property that Stantec has performed. I spoke with Mike and Eric with Stantec in my office this week and asked them to give me another cross section at the very end. I wanted to make sure that on both side of the property we are not affecting anything. This is a compensatory cut and fill.

Mike Delviziis stated in our meeting, Richard did ask for an additional cross section and we are in the process of regenerating that information. The property does extend further to the south and in the evaluation of the flood studies we have multi cross-sections up to Clovercroft Road. This proposal is for a compensatory cut and fill. We give Richard a submittal drawing that tweaked some of the grades that took a little more fill off the opposite side of the creek. It is not on this document, we have another drawing that we can give to you, and it shows the saddle differences in that. We are asking you to approve the grading plan. If there is information we need to give to Richard that needs to be a

conditional item, to justify/reaffirm what we explained to him from a calculation standpoint.

Richard Woodroof stated that the staff recommendation is to defer to look at the different grading on the other side from what we have had a chance to review. I recommend deferring it for a month.

Bob Haines made the motion to defer it for a month. Rick Fisher seconded the motion. The motion was passed unanimously.

B.) Two Way Car Wash Site Plan

Richard Woodroof stated we had issues that we noted with their first submittal. We received their second submittal and it still seems there are some issues that have not been addressed at this time. There has been some other issues come up with the parking. At this time with the amount of issues that are out there, it needs to be deferred.

Charles Knapper stated he would like to reiterate that last month this board unanimously approved a motion that I had made stating, the timeline must be adhered to when submitting documents for consideration before the Town of Nolensville Planning Commission. Plans must be submitted twenty-eight days prior to the regularly scheduled Planning Commission meeting. The regular meeting is scheduled for the second Thursday of each month. Once the documents are submitted, staff will review the documents and send out any comments within a week from the submittal date. Once comments from staff are received, the developer/land owner must submit any corrections to the documents by the following Wednesday at 2:00PM. We received these plans a week before. It did not meet these criteria for one thing. There was almost three pages of recommendation, which most have been corrected on this plan. There are still some issues out there that are not addressed. The parking issues for one, after discussing with staff today, there are too many issues to approve this site plan.

Frank Wilson made the motion to defer the Two Way Car Wash. Rick Fisher seconded the motion. The motion was passed unanimously

Agenda Item VI -Old Business

A.) Monthly Bond Report

Richard Woodroof stated that in McFarlin Woods sections 1 and 2 are under a maintenance bond, we sent out a letter last month stating the bonds are due to expire July 20, 2004. They are starting to work on the detention ponds and there are some issues with the curbs in these sections. I recommend that we set the

bond amount to the current amount. Section 1 is \$15,000 and Section 2 is \$20,000.

Rick Fisher made the motion to set the two bonds at the current amount. Bob Haines seconded the motion. The motion was passed unanimously

Agenda Item VII - Other Business

Charles Knapper stated he would like to address Thomas Stearns on the concerns of the road; these issues will be addressed soon. I am asking The Board of Mayor and Aldermen to enter into agreement with Gillian Fischbach to become our planning consultant for transportation plans and to develop our Major Thoroughfare Plan. She is highly qualified and she produces excellent documents. That will be our recommendation. I was hoping that we would have a revised drawing of what would happen to Clovercroft Road and the potential road, by this meeting. It did not happen. I am hoping now that by The Board of Mayor and Aldermen meeting in July, I fully expect to have that drawing at that time. We only met a week and a half ago; there was no time to do the data. As you will see, after The Board of Mayor and Aldermen look at it, her proposal is extensive. It will provide us with a comprehensive study of the transportation issues that will appear in Nolensville as the development occurs.

Being no further business to come before the Planning Commission the meeting was adjourned at 8:20 P.M.

Larry Gardner
Secretary for the Planning Commission

Date

